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RESPONSE TO RESTRICTION REQUIREMENT
Serial No. 10/684,054
Page 7 of 8**REMARKS**

This response is intended as a full and complete response to the Office Action dated December 9, 2004. In view of the following discussion, the Applicants believe that all claims are in allowable form.

RESTRICTION

The Applicants elect with traverse the invention of Species B, as depicted in Figures 3A and 3B for further prosecution. From Species B, the Applicants identify generic independent claims 1, 21, and 22 (as amended), and dependent claims 2-4, 6, 8-11, 13, and 23 as readable upon Species B. Thus, claims 1-4, 6, 8-11, 13-16, 18-19, and 21-23 are provisionally elected. Claims 5, 7, 12, and 14-20 are provisionally withdrawn without prejudice.

The Applicants respectfully submit that the restriction does not conform with MPEP §803 which outlines the criteria for making a proper restriction. Specifically, a restriction is proper when an application contains inventions that are independent or distinct as claimed, and that there must be a serious burden on the Examiner if restriction is required. The Examiner is required to provide reasons and/or examples to support his conclusion. The Examiner may provide a prima facie evidence of a serious burden by showing an appropriate explanation either of separate classification, separate status in the art, or a different field of search.

The Applicants respectfully submit that the Examiner has not demonstrated a serious burden in requiring a restriction in the present application. The Examiner has merely identified different species. However, Species G further defines elements already present in the limitations of claims readable on elected Species B. As a field of search targeting heating assemblies and substrate supports of Species B, would encompass the limitations recited by claims to Species G, little, if any, burden is placed upon the Examiner to consider more than solely Species B during her search. Since Species B and G of the present application are a reasonable number of species

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and no serious burden is place on the Examiner, consideration of all claimed embodiments is proper under 37 C.F.R. §1.141 and §1.146.

Species B and G are generic to claims 1, 21, and 22. Dependent claims 2-4, 6, 8-11, 13-16, 18-19, and 23 are readable upon Species B and G.

Thus, the Applicants respectfully request claims 1-4, 6, 8-11, 13-16, 18-19, and 21-23 be considered by the Examiner. Claims 5, 7, 12, 17, and 20 are withdrawn without prejudice. The Applicants reserve the right to file divisional/continuation applications to prosecute the non-elected subject matter.

CLAIM AMENDMENTS


The Applicants have amended claims 2 and 14 to correct minor grammatical errors. The Applicants have amended claims 22 and 23 to more clearly recite aspects of the elected species. The Applicants submit that these amendments are not narrowing and were made for reasons unrelated to patentability. The Applicants further submit that no new matter has been added.

CONCLUSION

Accordingly, both further consideration of this application and its swift passage to issue are earnestly solicited. If, however, the Examiner believes that any unresolved issues still exist, it is requested that the Examiner telephone Keith Taboada at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Jan 5, 2005


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